

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re

Citicare, Inc.,

Chapter 11

Debtor.

Case No. 13-11902-alg

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ORDER PURSUANT TO SECTIONS

365(A) AND 363(B) OF THE BANKRUPTCY CODE TO REJECT UNEXPIRED LEASE
OF NONRESIDENTIAL REAL PROPERTY AND TO ENTER INTO A NEW LEASE OF
NONRESIDENTIAL REAL PROPERTY AT THE SAME LOCATION.

Upon the motion, dated October 29, 2013 (the "Motion"),¹ of Citicare, Inc., the debtor and debtor-in-possession (the "Debtor"), motion for an Order pursuant to sections 365(a) and 363(b) of title 11, United States Code (the "Bankruptcy Code"), 11 U.S.C. §§ 365(a) to reject the Lease for Premises located at 154 West 127th Street in the borough of Manhattan, City of New York and to enter into a new lease (the "New Lease") for a larger space located at the same location, as more fully described in the Motion; and due and proper notice of the Motion having been provided, and it appearing that no other or further notice need be provided; and the Court having heard the Motion and overruled the objection to the of Citicare Properties, LLC² to the Motion on January 8, 2014, after careful consideration and due deliberation it is:

¹ Capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

² See "Objection to Debtor's Motion for an Other Authorizing Debtor to Reject Unexpired Unexpired Lease of Nonresidential Real Property and to Enter into a New

ORDERED that pursuant to section 365 of the Bankruptcy Code and Bankruptcy Rules 6006 and 9014, the rejection of the lease of nonresidential real property dated as of May 1, 2007 and attached to the Motion as Exhibit A, by and between 127th Street Properties LLC and the Debtor, and all related agreements, amendments and supplements (collectively, the "**Lease**") thereto is hereby authorized and approved, and the lease is rejected, effective as of August 26, 2013; and it is further

ORDERED that Citicare Properties LLC shall have until **5:00 p.m.** (**Eastern Time**) on the date that is **thirty (30) days** after service of this Order to file a proof of claim with respect to any claim for damages arising from the rejection of the Lease; and it is further

ORDERED that pursuant to section 363 of the Bankruptcy Code, the Debtor shall be empowered to enter into the New Lease of nonresidential real property dated as of August 26, 2013, by and between Citicare Properties, LLC and the Debtor, and all related agreements, amendments and supplements (collectively, the "**New Lease**") thereto is hereby authorized and approved, effective as of August 26, 2013; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation and/or enforcement of this Order.

Dated: January 13, 2014
New York, New York

s/Allan L. Gropper
UNITED STATES BANKRUPTCY JUDGE